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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,018	12/27/2001	Emile Di Serio	1759.066	9212
7590 03/23/2006				
HESLIN ROTHENBERG FARLEY & MESITI, P.C. 5 Columbia Circle Albany, NY 12203			EXAMINER LARSON, LOWELL A	
			ART UNIT 3725	PAPER NUMBER

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/035,018		SERIO, EMILE DI	
	Examiner		Art Unit	
	Lowell A. Larson		3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 3, 2006 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikito in view of admitted prior art and JP05-146841 (IDS citation – Hiroshi hereafter).

Example 4 and Figures 8 and 9 of Mikito disclose molding a foundry perform 50 having cavities 51, 52. In subsequent forging, tools 64, 65 are inserted in the cavities whereby the product is formed with recesses 71, 72. Mikito advises that the perform may require heating between the molding and forging.

Claim 1 requires heating the molded perform in a tunnel furnace. On page 4, lines 10 to 19, of the specification it is admitted prior art to reheat a molded perform in a tunnel furnace prior to forging in order to ensure a uniform temperature. It would have been obvious to one having ordinary skill in the art to perform the reheating suggested

by Mikito with a tunnel furnace, following the teaching of the admitted prior art, in order to ensure a uniform temperature at the time of forging.

Claim 1 now requires the shape of a molded cavity to be maintained during the forging. Mikito discloses shaping the perform material about the inserted tools for obtaining the final shapes of the recesses.

Hiroshi discloses molding a preform 60 having cavities 22, 24. In subsequent forging the shape of cavities is maintained by the rods 52. It would have been obvious to one having ordinary skill in the art at the time the invention was made to maintain the shape of cavities of the molded perform in the forging of Mikito, as shown by Hiroshi, merely as an exercise of design choice depending on the complexity of the profile desired in the product recess, and not a patentable distinction absent a disclosure of criticality in the solution of stated problems with the formation of a cavity and subsequent recess having a specific profile.

The molded perform forged in Mikito is considered to be a solid, as recited in Claim 3, since it is in a self-sustaining shape. It is noted that Applicant has no disclosure of specific conditions of the molded perform in the forging operation. In addition, Hiroshi clearly shows that the molded perform may be "solid" when forged.

Claim Rejections - 35 USC § 102

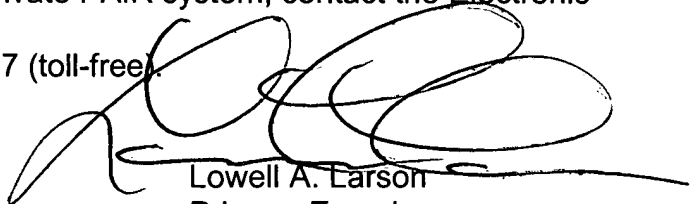
4. Claim 2 is again rejected under 35 U.S.C. 102(b) as being anticipated by Mikito for the reasons set forth in Paragraph 3 of the last Office action (paper mailed November 2, 2005).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lowell A. Larson whose telephone number is (571) 272-4519. The examiner can normally be reached from M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks Derris can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lowell A. Larson
Primary Examiner
Art Unit 3725

LAL
March 16, 2006